

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2011-146465-001 DT

02/14/2012

HON. DAWN M. BERGIN

CLERK OF THE COURT
V. Gardner/B. Navarro
Deputy

STATE OF ARIZONA

CLAYTON ALEC LYNAS

v.

TORQ A CISEK (001)
DOB: 3/5/1971

MICHAEL D KIMERER

APO-SENTENCINGS-CCC
APPEALS-CCC
AZ DOC
DISPOSITION CLERK-CSC
RFR
VICTIM SERVICES DIV-CA-CCC

SENTENCE - IMPRISONMENT AND PROBATION

9:09 a.m.

State's Attorney:	Clayton Lynas
Defendant's Attorney:	Michael Kimerer
Defendant:	Present
Court Reporter:	Traci Stutsman

LET THE REORD REFLECT that court and counsel met and conferred informally in chambers prior to calling this matter on the record.

Colleen Schuman presents statements to the Court.

Doug Hocker presents statements to the Court on the Defendant's behalf.

Stephan Corbin presents statements to the Court on the Defendant's behalf.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2011-146465-001 DT

02/14/2012

Count(s) 1 (amended): WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

Count(s) 5: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (amended) Misconduct Involving Weapons
Class 4 Felony with one prior felony conviction
A.R.S. § 13-3101, 13-3102, 13-105, 13-701, 13-703 and 13-801
Date of Offense: September 7, 2011
Non Dangerous - Repetitive

OFFENSE: Count 5 Felony
Class 4 Forgery
A.R.S. § 13-2002, 13-2001, 13-301, 302, 303, 304, 13-105, 13-701, 13-702 and 13-801
Date of Offense: November 26, 2010
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1 (amended): 5 year(s) from February 14, 2012
Presentence Incarceration Credit: 180 day(s)
Presumptive
Sentence is concurrent with CR1998-014349.

Pursuant to A.R.S. § 13-703 or 13-704, the Court finds that the Defendant has been convicted of the following prior felony offenses:

Attempted Fraud Schemes, a class 3 Non Dangerous felony committed on October 22, 1996 and convicted on June 4, 1999 in CR9804872 in Maricopa County Superior Court. The Defendant was represented by counsel.

Community Supervision: Count 1 (amended) - Waived pursuant to A.R.S. § 13-603(K) and 41-1604.07(D), due to the term of probation in Count 5.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2011-146465-001 DT

02/14/2012

In the event the Defendant is released by the Department of Corrections on a temporary release basis pursuant to A.R.S. §31-233, and a term of Community Supervision has been waived pursuant to A.R.S. §13-603(K), the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Upon release from prison pursuant to A.R.S. §13-603(K). Count 5: For a period of 3 Years.

Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 5 - \$65.00 per month.

PROBATION SURCHARGE: Count 5 - \$20.00.

Count 5: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Additional Monetary Information: The Court retains jurisdiction for any future restitution hearings for 90 days.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2011-146465-001 DT

02/14/2012

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion To Dismiss the following: Counts 2-4; allegation of on probation; allegation of remaining priors..

Count(s) 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with the most recent presentence report and/or probation violation report in this cause relating to the Defendant.

Count(s) 5: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

The presentence investigation report is filed under CR2011-146465-001.

The Defendant shall forfeit his interest in the weapons, ammunition and any accessories associated with the guns.

9:35 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2011-146465-001 DT

02/14/2012

Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HON. DAWN M. BERGIN
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)